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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,166	11/14/2003	Matthias Von Samson-Himmelstjerna	101769-233	9825
27384	7590	09/07/2006	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, PA 875 THIRD AVENUE 18TH FLOOR NEW YORK, NY 10022			MAKI, STEVEN D	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,166

Applicant(s)

VON SAMSON-HIMMELSTJERNA,
MATTHIAS

Examiner

Steven D. Maki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006 and 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-11-06 (remarks) and 8-2-06 (specification amendment) has been entered.

2) The amendment filed 7-11-06 contains an obvious typographical error because part b) of claim 1 recites "cables" instead of --cable--. The "s" in the word cable was deleted in the amendment filed 1-30-06. Also, see page 8 line 6 of the amendment filed 1-30-06.

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) **Claims 1, 9-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 046 (EP 1233046) in view of admitted prior art (page 2 lines 13-28) and Japan 535 (JP 2002-101535).**

Europe 046, the admitted prior art and Japan 535 are applied as in paragraph 4 of the office action dated 10-6-05 (paragraph 4 of the office action dated 10-6-05 is incorporated herein by reference). Also, examiner's remarks in paragraph 3 of the office action dated 4-11-06 are incorporated herein by reference.

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5) Claims 2-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 046 in view of admitted prior art and Japan 535 as applied above and further in view of German 249 (DE 2617249) and optionally Hamisch (US 6138734).

German 249 and the optional Hamisch are applied as in paragraph 6 of the office action dated 10-6-05 (paragraph 6 of the office action dated 10-6-05 is incorporated herein by reference).

6) Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 046 in view of admitted prior art, Japan 535, German 249 and optionally Hamisch as applied above and further in view of Samuelson et al (US 5316613).

Samuelson et al is applied as in paragraph 7 of the office action dated 10-6-05 (paragraph 7 of the office action dated 10-6-05 is incorporated herein by reference).

7) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 046 in view of admitted prior art, Japan 535, German 249 and optionally Hamisch as applied above and further in view of German 602 (DE 3834602).

German 602 is applied as in paragraph 8 of the office action dated 10-6-05 (paragraph 8 of the office action dated 10-6-05 is incorporated herein by reference).

8) Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Europe 046 in view of admitted prior art and Japan 535 as applied above and further in view of Barck (US 412630).

Barck is applied as in paragraph 9 of the office action dated 10-6-05 (paragraph 9 of the office action dated 10-6-05 is incorporated herein by reference).

Remarks

9) Applicant's arguments filed 7-11-06 have been fully considered but they are not persuasive.

Applicant argues that one of ordinary skill in the art would interpret Europe 046 as favoring applying an adhesive to a substrate first, not a flat cable because paragraph 6 of Europe 046 explicitly states that the adhesive is applied to a substrate, not a cable. This argument is not persuasive.

First: Applicant is confusing the word "substrate" as used in the claims and the word "substrate" as used in Europe 046.

The word "substrate" as used in claim 1 is a generic term for a component such as an interior decorative component of a passenger car (e.g. roof lining / door side part). See claim 13 and claim 14.

The word "substrate" as used in claim 1 corresponds to one of parts which are glued together using Europe 046's invention; Europe 046's invention being the specified release liner having double sided self adhesive sections. Note that Europe 046 teaches equipping a hand held labeling device with the release liner having double sided self adhesive sections and then using a hand held labeler to glue parts together. See title, abstract, and paragraphs 1-4, 13-14, 18 of machine translation of Europe 046. One of these parts may be a flat cable. See paragraph 2 of machine translation. Another part may be an individual part in automobile engineering (i.e. an automobile component). See paragraph 14 and claim 8 of machine translation of Europe 046.

The word "substrate" in paragraph 6 of the machine translation of Europe 046 corresponds to backing material web 41 in applicant's disclosure. In particular, the "substrate" mentioned in paragraph 6 is the release liner instead of one of the parts to be glued together.

Second: When bonding two parts together using a double sided adhesive tape section dispensed from a hand held labeling device as per Europe 046's disclosure, the double sided adhesive tape section must be applied to one of the parts. Failure to apply

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the double sided adhesive tape section to one of the parts would prevent the gluing together of parts desired by Europe 046. As noted above, one of the parts explicitly identified by Europe 046 is a "flat cable". See paragraph 2 of machine translation of Europe 046. When a flat cable is used, the adhesive tape sections must be applied to one of the parts. One of ordinary skill in the art would readily understand from Europe 046's broad teachings to use a flat cable as a part, apply adhesive tape sections to one part using a hand held labeler and then bond the parts together, that the adhesive tape sections can and should be applied to either of the parts to be bonded.

Third: Europe 046 is not the only evidence relied upon to suggest first applying the double sided adhesive tape sections to the flat cable. The admitted prior art (page 2 lines 13-28) constitutes additional evidence supporting the conclusion that one of ordinary skill in the art would have found it to have been obvious to apply the double sided adhesive tape sections of Europe 046 to the flat cable. The admitted prior art teaches applying double sided adhesive tapes to a flat cable and then applying the flat cable to a decorative component. The teachings of Europe 046 and the admitted prior art are similar except that Europe 046 specifically suggests applying the double sided adhesive sections from the release liner to one of the parts using a hand labeling equipment (hand held labeling device). Applicant does not address the admitted prior art's teaching to apply double sided adhesive tapes with release paper to one side of the FFC cable system (flat cable, cable harness).

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With respect to the dependent claims, applicant has not presented specific arguments traversing the rejection of the dependent claims. The rejection of the dependent claims therefore stands for the reasons given in the office action dated 10-6-05.

10) No claim is allowed.

11) All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
September 1, 2006


STEVEN D. MAKI
PRIMARY EXAMINER 9-1-06